IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL WRIT PETITION NO.2021 OF 2005

Kamalakar Shenoy ...Petitioner
Vs.
The State of Maharashtra & Anr. ...Respondents

Mr.Prakash Naik Adv. for Petitioner
Mr.V.B.Konde Deshmukh, A.P.P. for State

CORAM: B.H.MARLAPALLE & ROSHAN DALVI, JJ.
DATED: 6TH FEBRUARY, 2006

P.C.

1. Heard Mr. Naik learned Counsel for the Petitioner. The Petitioner alleges that there are certain developers operating in the Nalasopara area who are indulging in malpractices including issuance of false and bogus completion certificates. As per the Petitioner the said area has been developed by CIDCO and these builders/developers are playing fraud on the members of the public. The Petitioner had submitted complaint dated 12th April 1999 and a reminder on 19th February 2001. He appears to have submitted last complaint on 25th November 2001 in respect of the alleged offence punishable under Sections 107, 197, 198, 217, 218, 406, 465,467, 471 and 120(B) r.w. Section 34, of Indian Penal Code to the Senior Police Inspector, Economic Offences Wing (Housing Unit), Mumbai. The Petitioner alleges that Mr.Ramakant Jadhav and his family members along with

other associates are running the following construction companies/firms :

(a) Network Construction Pvt. Ltd.
(b) Reliale Shelters Pvt. Ltd.
(C) Reliable Space Promoters & Developers and
(d) Pratik Enterprises

. He also alleges that one Mr. Abhay Raut is the Architect of these firms and inspite of his complaints being made to the concerned Police authorities they are not taking due steps for investigations.

2. We have noticed that the Petitioner had first made the complaint dated 27th November 1995 to the Managing Director of CIDCO and its officials. It is also clear that the Petitioner approached the office of Lok Ayukta, Maharashtra State and by the letter dated 13th January 1996 he was informed by the Assistant Registrar from the office of Lok Ayukt that CIDCO had already initiated criminal cases against the concerned developers. None of these private parties are impleaded as Respondents in this Petition which has been undoubtedly moved belatedly having regards to the complaint dated 25th November 2001. If the Petitioner claims that his complaints submitted to the concerned Police Authorities are not being registered

or investigated into, he has an equally efficacious remedy to approach the concerned Metropolitan Magistrate and seek directions for investigations under Section 156(3) of Criminal Procedure Code. We are satisfied that this Petition moved before us belatedly does not deserve to be entertained and it would be appropriate that the Petitioner is relegated to the alternative remedy under the Criminal Procedure Code.

. The Petition is therefore, rejected summarily.

(ROSHAN DALVI,J.) (B.H.MARLAPALLE, J.)